

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/11583

A. CLASSIFICATION OF SUBJECT MATTER

IPC: A63H 03/12

USPC: 446/321,100

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 446/321, 100

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
EAST

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X --- Y	US 6,511,359 B1 (LUI) 28 January 2003, (28.01.2003), entire document.	1-3, 5, 15, 17, 18, 22-25 ----- 4, 6-10, 16, 19, 21 11 ----- 12-15
X --- Y	US 5,676,374 A (BOSSA et al.) 14 October 1997 (14.10.1997), entire document.	11 ----- 12-15
Y	2002/0166513 A1 (VAN SLUIS) 14 November 2002 (14.11.2002), entire document.	10
Y	US 4,356,658 A (GOLDFARB) 02 November 1982, (02.11.1982), entire document.	20-21

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

20 September 2006 (20.09.2006)

Date of mailing of the international search report

07 NOV 2006

Name and mailing address of the ISA/US

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PATENT COOPERATION TREATY

From the
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 35502WO		Date of mailing (day/month/year) 07 NOV 2006 FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/US04/11583	International filing date (day/month/year) 15 April 2004 (15.04.2004)	Priority date (day/month/year) 15 April 2003 (15.04.2003)
International Patent Classification (IPC) or both national classification and IPC IPC: A63H 03/12 USPC: 446/321,100		
Applicant SULLIVAN, JOHN C.		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 20 September 2006 (20.09.2006)	Authorized officer Gene Kim Telephone No. 571-272-3700
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/11583

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/11583

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>4,6-10,12-14,16 and 19-21</u>	YES
	Claims <u>1-3, 5, 11, 15, 17-18, 22-25</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-25</u>	NO
Industrial applicability (IA)	Claims <u>1-25</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-25 meet the criteria set out in PCT Article 33(4), and thus the invention has industrial applicability because the subject matter claimed can be made or used in industry.

Claims 1-3, 5, 15, 17, 18, 22-25 lack novelty under PCT Article 33(2) as being anticipated by Lui. Lui shows a mounting assembly with a first plate 26 spring means 28 and second plate 14 as claimed. An image is secured to a first mounting plate in a broad context since the claim does not recite the image being "directly" secured. Regarding the kit claims, paper is inherent for printing an image.

Claims 4, 6-9, 16, 19 lack an inventive step under PCT Article 33(3) as being obvious over Lui. Lui substantially shows the claimed subject matter but does not show the particulars of these claims. However, these claims are directed towards well known concepts, such as, using epoxy resin, magnets, etc., for securing. Examiner takes official notice regarding these securing means as well as using pressboards, slots for engagement. Regarding two images as claimed, it would have been obvious to one of ordinary skill in the art to provide Lui with two images to duplicate the effect.

Claims 11 lack novelty under PCT Article 33(2) as being anticipated by Bossa et al.

Claims 12-15 lack an inventive step under PCT Article 33(3) as being obvious over Bossa et al. Bossa et al do not show a curvilinear slot or pendulum as claimed. However, it is well known in the art to use curvilinear slots with cams to follow a particular path as desired by the user. Also, it is well known in the art to use pendulum to provide a pivot point.

Claim 10 lacks an inventive step under PCT Article 33(3) as being obvious over Lui in view of Van Sluis. Lui does not show audio means as claimed. However Van Slui teaches the concept of using a battery powered sound chip. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Lui with audio output as taught by Van Slui to provide for more entertainment in a toy.

Claims 20-21 lack an inventive step under PCT Article 33(3) as being obvious over Lui in view of Goldfarb. Lui does not show the turntable means as claimed. However, Goldfarb teaches the use of a turntable for rotating a toy. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Lui with turntable means as taught by Goldfarb to provide to add entertainment value in a toy.